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09/992,931

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Tamichi Otsu

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02/11/2004

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EXAMINER

WHITE, CARMEN D

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,931

Applicant(s)

OTSU, TAMICHI

Examiner

Carmen D. White

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4, 6-13 and 15-32 is/are pending in the application.
- 4a) Of the above claim(s) 16-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 4, 6-13, 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION***Election/Restrictions***

Newly submitted claims 16-32 are directed to an invention/inventions that is independent or distinct from the invention originally claimed for the following reasons: the instant claims are drawn to a gaming machine/apparatus/method/system/storage medium that includes identification data. Instant claims 1-15 are drawn to an entertainment delivery apparatus/method/system, which does not include gaming and identification data. Also, the entertainment delivery features of the elected invention (claims 1-15) are not claimed in the non-elected invention (claims 16-32).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 16-32 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4, 6-9, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tanskanen** (6,579,184) in view of **Sasaki** et al (5,667,440).

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Regarding claims 1, 3-4, 6-9, 13 and 15, Tanskanen teaches an entertainment device/system/method that includes a means for receiving terminal data from each of a plurality of entertainment terminal devices through a low-speed communication line {telephone}; means for generating entertainment data including data necessary for each of the plurality of entertainment terminal devices to execute a predetermined entertainment process on the basis of the terminal data received from the plurality of entertainment terminal devices; and means for transmitting the entertainment data to a data delivery machine, the machine delivering the same entertainment data to each of the plurality of entertainment terminal devices through a broadband broadcast communication line {cable TV or satellite} (abstract; col. 2, lines 1-6, 22-25, and 57-67; col. 3, lines 22-36; col. 6, lines 1-6 and lines 39-42). While Tanskanen teaches a multiplayer game, whereby the players play together (col. 4, lines 44-55), Tanskanen is silent regarding the explicit teaching of transmitting entertainment data to the devices at the same time. However, one of ordinary skill in the art would recognize that the entertainment data must be present at all of the terminal devices at the same time in order for the players to play the game together. In an analogous entertainment data system, Sasaki teaches timing synchronization in multiple gaming environment (col. 8, lines 5-20). It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate time synchronization, as taught by Sasaki, into Tanskanen to allow the terminal devices to receive entertainment data at the same time so that they could all have a fair chance to win the game. This would make the gaming more convenient for the players.

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Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tanskanen (6,579,184) in view of **Sasaki** et al (5,667,440), further in view of **Tarr** (5,935,004).

Regarding claims 10-11, Tanskanen and Sasaki teach all the limitations of the claims as discussed above. The references are silent regarding the explicit teachings of the feature of scrambling/descrambling. In an analogous entertainment data system, Tarr teaches this feature (see prior office action, paper #7, which is incorporated herein by reference). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature, as taught by Tarr, in the entertainment systems of Tanskanen and Sasaki in order to ensure that unauthorized persons are not allow to receive and transmit data. This increases the security of the system.

Regarding claim 12, Tanskanen and Sasaki teach all the limitations of the claims as discussed above. The references are silent regarding the explicit teachings of the feature of the delivery machine demanding payment. In an analogous entertainment data system, Tarr teaches this feature (*see prior office action, paper #7, which is incorporated herein by reference*). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature, as taught by Tarr, in the entertainment systems of Tanskanen and Sasaki in order to ensure that the users of the software purchase the entertainment before the entertainment is supplied. This would prevent the gaming establishment from losing money, and making accounting easier.

Examiner's Response to Applicant's Remarks

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Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection. The examiner has cited Tanskanen and Sasaki, above, to better teach the instant claimed features.

Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Stoel** et al, ***Rhoades***, ***Fennell***, Jr. Et al, ***Smith*** et al, ***Cai*** teach entertainment delivery systems.

USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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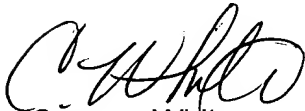
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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'C. White', written in a cursive style.

Carmen White
Patent Examiner, 3714